CHARLES S. CROOKHAM
ATTORNEY GENERAL

JACK L. LANDAU
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DEPARTMENT OF JUSTICE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

December 14, 1992

Keith L. Walker
Attorney at Law
Suite E, Hudson Plaza
12900 SW Pacific Highway
Tigard, OR 97223

Re: Request for Public Records Disclosure Order
Baker City Police Department

Dear Mr. Walker:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law. We respectfully deny your petition.

Your petition, which we received on December 11 asks the Attorney General to direct the Baker City Police Department to produce copies of certain records in its possession.

Under the Public Records Law, the Attorney General has authority to issue a public records order only to ". . . any person denied the right to inspect or to receive a copy of any public record of a state agency. . . ." (Emphasis supplied.) ORS 192.450(1). The Baker City Police Department is not a state agency. Therefore, under the Public Records Law, it is the Baker County District Attorney, not the Attorney General, who has the authority to review the denial of your request for the information in question.

Should the district attorney deny your petition, your recourse is then to file a lawsuit in the Baker County Circuit Court.

Yours very truly,

Amy L. Veranth
Opinions Coordinator
General Counsel Division

ALV:jpl/jaa0028e
Enclosures
c: (w/incoming correspondence):
The Honorable Gregory L. Baxter
Baker County District Attorney
Baker County Courthouse
Baker City, OR 97814